

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Miguel Angel Nieves,	}	No. CV-19-04889-PHX-SPL
	}	
Petitioner,	}	<b>ORDER</b>
	}	
vs.	}	
	}	
David Shinn, et al.,	}	
	}	
Respondents.	}	
	}	

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Petitioner Miguel Angel Nieves has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). The Honorable Michelle H. Burns, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 11), recommending that the Court deny the Petition. Judge Burns advised the parties that they had fourteen (14) days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. (Doc. 11 at 7) (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-taken.

1 The Court will adopt the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating  
2 that the district court “may accept, reject, or modify, in whole or in part, the findings or  
3 recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge  
4 may accept, reject, or modify the recommended disposition; receive further evidence; or  
5 return the matter to the magistrate judge with instructions.”). Accordingly,

6 **IT IS ORDERED:**

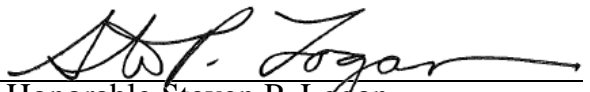
7 1. That Magistrate Judge Michelle H. Burns’s Report and Recommendation  
8 (Doc. 11) is **accepted** and **adopted** by the Court;

9 2. That the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254  
10 (Doc. 1) is **denied** and **dismissed with prejudice**;

11 3. That a certificate of appealability and leave to proceed *in forma pauperis* on  
12 appeal are **denied**; and

13 4. That the Clerk of Court shall **terminate** this action.

14 Dated this 26th day of May, 2020.

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16   
17 Honorable Steven P. Logan  
18 United States District Judge  
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